

Before the
Federal Communications Commission
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Federal Communications Commission
Office of the Secretary

In the Matter of
Redevelopment of Spectrum to
Encourage Innovation in the
Use of New Telecommunications
Technologies

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ET Docket No. 92-9

Comments of The Palisades Group

The Palisades Group serves a variety of clients, including state and local governments who seek to deploy new technologies to provide more efficient public transportation. The Palisades Group is a member of the Intelligent Vehicle Highway Society of America ("IVHS America"), a federal advisory committee that the Department of Transportation ("DOT") has established.

Intelligent Vehicle Highway Systems ("IVHS") encompass several related technologies to improve the quality and efficiency of travel. These emerging technologies include:

ATMS	Advanced Traffic Management Systems	Today, control systems react to congestion on the roadway after the fact. ATMS predicts when and where congestion will occur and acts to prevent it.
ATIS	Advanced Traffic Information Systems	ATIS provides motorists in their vehicles with information on congestion, traffic, weather and highway conditions. It also provides navigation, location and routing.
CVO	Commercial Vehicle Operations	CVO provides real-time information on vehicle location, condition and adherence to schedules.
APTS	Advanced Public Transportation Systems	APTS can dispatch fleets of buses, taxicabs, van pools, or emergency services.
AVCS	Automatic Vehicle Control Systems	AVCS collects information from on-board sensors to provide a driver with information and warnings. More advanced forms of AVCS will eventually automate driving.

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List A B C D E

America's ability to compete in IVHS is at a critical stage. The Intermodal Surface Transportation Efficiency Act of 1991 mandates the implementation of a prototype highway and vehicle system by 1997. Effective implementation of IVHS will increase highway capacity, improve safety and reduce pollution in congested corridors. It will increase our productive capacity by significantly reducing time lost in traffic. Finally, a leadership position in IVHS will create American jobs in export markets. Conversely, the absence of coordinated policies toward IVHS will have deleterious consequences for America's productivity and balance of trade.

The Notice of Proposed Rulemaking, FCC 92-20 ("Notice"), sets forth a practical approach to the redeployment of spectrum. The proposal "establishes new areas of the spectrum to be used for emerging telecommunications technologies." Notice, ¶ 1. The Commission's approach "reaccommodate[s] the 2 GHz licensees in a manner that is the most advantageous for . . . existing users, least disruptive to the public and the most conducive to the introduction of new services." id., ¶ 22. The centerpiece of the Commission's proposal is authorizing incumbent users of the 2 GHz band to negotiate the transfer of spectrum allocations with prospective providers of new services. The transfer of this bandwidth at market prices will "allow market forces to achieve a balance between the need to minimize the reaccommodation cost to existing operators and the immediate need for the spectrum to permit provision of these new services." id., ¶ 26.

The Commission has always recognized that the highest and best use of spectrum will frequently involve users in transit. Market-based mechanisms for redeveloping spectrum encourage the growth of new technologies for private mobile users.

However, the emerging IVHS infrastructure is a public, not a private, good. State and local governments with responsibilities to help create this infrastructure may not have the access to funding that a pure market-based system of allocation would require. Local and state government use of spectrum for IVHS projects will increase dramatically in the near future. Accordingly, federal policy should link moves toward a market pricing of spectrum with funding to enable efficient IVHS projects to secure needed spectrum.

Several aspects of the Notice recognize the need for an effective transition. The exemption of state and local governments from mandatory transition periods is fair and practical. Notice, ¶ 25. The Notice also proposes a blanket waiver of the eligibility requirements for fixed microwave users now in the 2 GHz band who migrate to bands above 3 GHz. This provision is fair and not readily subject to abuse. *id.*, ¶ 20.

The Notice invites comments on the feasibility of "making available a portion of the 1.71-1.85 GHz government fixed, mobile and space band for relocation to some GHz operations." Notice, ¶ 21. Wherever this spectrum may be needed to support future IVHS projects, the Commission should only order relocation as a last resort in situations of critical national significance.

The Notice also suggests that new applications by state and local governments in the 2 GHz bands will be authorized only on a secondary basis. Notice, ¶ 25. The Commission should look closely at the specific purpose for which the governmental entity is applying. Where the agency is using a new or existing technology to implement IVHS, it should be eligible for an allocation as a primary user.

Some local and state governments may require assistance in securing a fair price for spectrum that is subject to reallocation. The Commission or the National

Telecommunications Information Administration should be available to help government users who request help and to oversee negotiations with new service providers.

When applications for allocations in the emerging technologies bands purport to serve surface transportation, the Commission should consult with IVHS America and with the Federal Highway Administration or the Federal Transit Administration of DOT. IVHS America and DOT can provide case-specific information about whether proposed projects and technologies meet the criteria established for these bands. See Notice, ¶ 28. With a mechanism to allow DOT and IVHS America to comment, the Commission will rule more knowledgeably on whether these applications qualify for the bands reserved to emerging technologies.

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CONCLUSION

The Commission should create policies for redeveloping spectrum that promote the growth of America's IVHS infrastructure. It should ensure that reaccommodation programs do not discourage or impede state and local government projects to build this infrastructure. The Commission should seek

technical advice from DOT and IVHS America on the merits of specific applications that purport to serve IVHS objectives.

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